

REMARKS

The Examiner has objected to claim 21 as being unclear and possibly inadvertently claiming a particular body lumen. The Examiner has suggested language which overcomes the objection and the applicant has complied. The scope of the claim has not been narrowed thereby.

The Examiner has objected to the claims as being indefinite, as there is no antecedent basis for “the insertion device” in claim 21, line 10, and it is unclear whether the insertion device of claim 21, line 15 is different than that of line 10, and in claim 25 it is unclear if the retraction means is now part of the claimed invention because in claim 21 it was not. In response, the applicant has amended claims 21, 25, 28, and 29. In claim 21, the insertion device is mentioned in the preamble and is not being positively claimed in the body of the claim, although the body of the claim refers to the insertion device of the preamble. In claims 28 and 29, the insertion device is being positively claimed (i.e., “said insertion device”) as an element of the claim (i.e., an apparatus “further comprising”). In claim 25, the “retraction means” which is not positively recited in claim 21 is now positively claimed as an element (i.e., the apparatus “further comprising... said retraction means..., wherein said retraction means comprises at least one filament”).

With the amendments to claims 21, 25, 28 and 29, it is respectfully submitted that the claims are definite in that neither the insertion device nor the retraction means are being positively claimed in claim 21, whereas claim 25 positively claims the retraction

means, and claims 28 and 29 positively claim the insertion device. The scope of the claims has not been narrowed by the amendments.

Finally, the Examiner has entered a provisional obviousness-type double patenting rejection over claims 1-37 of copending application #10/505735. While the applicant believes that the claims are not obvious over each other, in order to expedite allowance, a terminal disclaimer and the appropriate fee are being filed herewith.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David P. Gordon".

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